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10/531,029	04/12/2005	Christopher B. Marshall	GB 020175	5042

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EXAMINER

MEHMOOD, JENNIFER

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2612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,029	Applicant(s) MARSHALL ET AL.	
	Examiner Jennifer A. Mehmood	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-8, 10, 11, 14, 15, 18-20, 22 and 23 are rejected under 35

U.S.C. 102(b) as being anticipated by Bisak (US 5,021,779).

For claim 1, Bisak discloses a security system for consumer equipment (col 1, Ins 9-12), the system having: a lock for preventing use of the equipment (col 5, Ins 25-37; Fig. 2, item 37), the lock having a receiver for receiving a key signal from an external source (col 1, Ins 37-55; col 2, Ins 10-17), the lock being arranged to check the key is valid, and if so, enable the use of the equipment (col 4, Ins 33-42; col 5, Ins 25-37), the system also having: a wireless transmitter (col 4, Ins 42-60) for the equipment for broadcasting a beacon signal indicating stolen status, if the lock does not receive a valid key.

For claim 6, Bisak discloses having a tamper detector for detecting tampering with the system, and for preventing use of the equipment if tampering is detected (col 5, Ins 25-51).

For claim 7, Bisak discloses an internal battery power supply (Fig. 2, items 38, 32-34) for the wireless transmitter.

For claim 8, Bisak discloses transmitting the beacon signal intermittently (col 4, Ins 51-57). The beacon signal is considered being transmitted intermittently because it

is not transmitted continuously, but upon a predetermined condition (such as the appliance being stolen).

For claim 10, Bisak discloses the lock being arranged to check for a valid secure key when the equipment is switched on (col 1, lns 37-59).

For claim 11, Bisak discloses checking for a valid secure key periodically, such as from time to time when a user wants to enable the equipment (col 1, lns 9-13 and 35-55).

For claim 14, Bisak discloses a theft detector for triggering the broadcasting of the beacon signal (col 4, lns 51-57).

For claim 15, Bisak discloses having a warning for indicating that the equipment is protected by a beacon signal transmitter or that tampering will result in disabling of the equipment (col 4, lns 43-57).

For claim 18, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1 and 6 as stated above.

For claim 19, Bisak discloses consumer equipment having an equipment controller (Fig. 2, item 37) being arranged to cooperate with the lock of the security system and to operate depending on the lock (col 5, lns 25-37; Fig. 2, item 37).

For claim 20, Bisak discloses having a remote key unit (Fig. 1) for sending the key to the security system (col 1, lns 35-55).

For claim 22, Bisak discloses the equipment as being one of computer equipment, games equipment, audio, video or communications equipment, in car

equipment, household appliances, and school, hospital, or business equipment (col 1, Ins 9-13).

For claim 23, Bisak discloses a remote key transmitter unit for use with the security system of any of claims 1 to 18, or with the consumer equipment of any of claims 19, 21 or 22 (col 2, Ins 5-14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bisak (US 5,021,779).

Bisak discloses a method of detecting stolen consumer equipment using a wireless signal to recognize a beacon signal indicating a stolen status output by the consumer equipment (col 4, Ins 65-68; col 5, Ins 1-5). Even though Bisak does not specifically disclose that a wireless receiver is used, it would have been obvious to one of ordinary skill in the art, at the time the invention was made that some sort of receiver or end point is used in order to receive the wireless signal.

5. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisak (US 5,021,779), and further in view of Rodriguez et al. (US 6,975,202).

For claim 2, Bisak discloses a receiver and a wireless transmitter incorporated within the same device (Fig. 2), but does not disclose a wireless receiver integrated together with the wireless transmitter. Rodriguez, however, discloses a wireless receiver integrated together with the wireless transmitter (Fig. 3, item 330; col 11, lns 36-39). It would have been obvious to disclose a wireless receiver integrated together with the wireless transmitter to decrease the amount of space required by the system thereby decreasing manufacturing costs by incorporating two functions (transmitting and receiving) into one device.

For claim 21, Bisak does not disclose exchanging encrypted information. However, Rodriguez discloses the controller being arranged to exchange encrypted information with the security system periodically, and continue operating depending on whether a valid response is received from the security system (col 4, lns 62-67; col 5, ln 1; col 13, lns 1-7). It would have been obvious to exchange encrypted information for security protection so that if an unwanted party intercepts the code, the code is not easily discernable.

6. Claims 3, 4, 5, 16, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisak (US 5,021,779), and further in view of Spitz et al. (US 7,145,457).

For claim 3, Bisak discloses an identifier (col 5, lns 1-5), but does not disclose that the identifier is traceable to an owner of the equipment. Spitz, on the other hand, discloses that the identifier is traceable to an owner/user of the equipment (Fig. 16; col 16, lns 49-67; col 17, lns 1-16). It would have been obvious to disclose an identifier

traceable to an owner of the equipment so that a record is generated as to the individual responsible for a particular piece of equipment during a particular window of time.

For claim 5, Bisak discloses the identifier being broadcast by the wireless transmitter (col 5, Ins 1-5).

For claim 16, Bisak discloses a lock for preventing use of the equipment, the lock having a receiver for receiving a key signal from an external source, the lock being arranged to check the key is valid, and if so, enable the use of the equipment, the system also having: an identifier, incorporated securely in the lock and traceable to the particular piece of equipment in the case of theft of the equipment (col 4, Ins 65-68; col 5, Ins 1-5). Bisak, however, does not disclose that the identifier is traceable to an owner of the equipment. Spitz, on the other hand, discloses that the identifier is traceable to an owner/user of the equipment (Fig. 16; col 16, Ins 49-67; col 17, Ins 1-16). It would have been obvious to disclose an identifier traceable to an owner of the equipment so that a record is generated as to the individual responsible for a particular piece of equipment during a particular window of time.

For claims 4 and 17, Bisak discloses an identifier communication means in the lock for use with authorized readers (col 5, Ins 105).

For claim 25, Bisak discloses receiving an identifier from stolen equipment, but does not disclose tracing ownership of recovered consumer equipment and decoding the identifier to determine the owner. Spitz, however, discloses tracing ownership of recovered consumer equipment and decoding the identifier to determine the owner/user (Fig. 16; col 16, Ins 49-67; col 17, Ins 1-16). It would have been obvious to identifying

an owner/user of the equipment hold the user responsible for any stolen or abused equipment.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bisak (US 5,021,779), and further in view of Chen et al. (US 2003/0179078).

Bisak discloses a wireless transmitter, but does not disclose an RF tag. Chen discloses a wireless transmitter that comprises an RF tag (Fig. 1; paragraph 0037). It would have been obvious to disclose a wireless transmitter that comprises an RF tag so that identification information is sent with an RF signal to identify a characteristic of the transmitter for security purposes.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bisak (US 5,021,779), and further in view of Jeong (US 7,099,699).

Bisak discloses a wireless transmitter, but does not disclose that the transmitter is arranged to send an SMS message. Jeong does disclose a transmitter arranged to send an SMS message (col 1, lns 52-59). It would have been obvious to send an SMS message from a transmitter in order to notify an individual of an important message.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bisak (US 5,021,779), Spitz et al. (US 7,145,457), and further in view of Rodriguez et al. (US 6,975,202).

Bisak discloses an identifier, but does not disclose encrypting the identifier. Rodriguez discloses encrypting an identification code (col 4, lns 62-67; col 5, ln 1; col 13, lns 1-7). It would have been obvious to encrypt an identification code for security

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protection so that if an unwanted party intercepts the code, the code is not easily discernable.

Response to Remarks

10. Applicant's arguments filed June 20, 2007 have been fully considered but they are not persuasive.

The Applicant argues as follows:

- a. For claim 1, Bisak does not disclose a wireless transmitter for the equipment for broadcasting a beacon signal indicating stolen status, if the lock does not receive a valid key. Applicants submit that an audible alarm sounded when the appliance is unplugged, the transmitter is unplugged, or the wrong code is received and an external alarm triggered through a radio link upon disconnecting power is not the same as a wireless beacon signal indicating stolen status if the device does not receive a valid key.
- b. Bisak does not disclose or suggest "a tamper detector (550) for detecting tampering with the system, and for permanently preventing use of the equipment if tampering is detected" as recited in claim 18.
- c. Spitz does not disclose or suggest "an identifier, incorporated securely in the lock and traceable to an owner of the equipment in the case of theft of the equipment" as recited in claim 16.

Examiner responds as follows:

- a. Bisak discloses an appliance which only functions properly when a valid predetermined code (key code) is received. If the code is not received, the appliance

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will not function properly and an alarm means (beacon) within the appliance is activated. In addition, the appliance contains a wireless transmitter (col 4, Ins 51-61) to send an indication signal to an alarm (beacon system) that the appliance is stolen (removed from a power source without the proper key code - col 4, Ins 39-61). Therefore, Bisak does indeed disclose a wireless transmitter for the equipment for broadcasting a beacon signal indicating stolen status, if the lock does not receive a valid key.

b. Removing the appliance without the proper key code is considered tampering with the appliance. Moreover, even if the appliance is stolen and moved to a different location (another plug), the code cannot be changed unless the individual wishing to change the code knows the currently stored code. These two levels of security are considered methods in order to make the appliance tamperproof. The controller inherently contains a tamper detector since it detects if the wrong code is entered into the system, assuming that the appliance has been tampered with in some way.

c. For claim 16, more emphasis is placed on Bisak since each and every limitation of claim 16 is disclosed by Bisak except for the identifier being traceable to an owner of a piece of equipment. The Applicant explains numerous differences between Spitz and the present invention, however, The examiner relies on the Bisak reference to show that Bisak does disclose an identifier, incorporated securely in the lock and traceable to the particular piece of equipment in the case of theft of the equipment (col 4, Ins 65-68; col 5, Ins 1-5). What Bisak does not disclose, however, is that the identifier is traceable to an owner of the equipment. Spitz discloses that the identifier is

traceable to an owner/user of the equipment (Fig. 16; col 16, lns 49-67; col 17, lns 1-16). The examiner admits that Spitz and the present invention are not exactly the same; however, since the examiner does not rely heavily on the Spitz reference and only uses Spitz to disclose that an identifier is traceable to an owner/user of the equipment, the use of Spitz is appropriate.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). See MPEP § 706.07(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu, can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Mehmood
July 3, 2007

A handwritten signature in black ink, appearing to read 'Benjamin C. Lee', with a long horizontal flourish extending to the right.

BENJAMIN C. LEE
PRIMARY EXAMINER